

Application No. 10/050,801

In the United States Patent and Trademark Office

Applicants: Yung Huang et al. Docket No.: 17,623
Serial No.: 10/050,801 Group: 3728
Confirmation No: 7835 Examiner: Bui, Luan Kim
Filed: December 19, 2001 Date: June 6, 2005
For: PACKAGE AND METHOD FOR
STORING AND DISPENSING WET
WIPES IN A POP-UP FORMAT

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Yung Huang, declare and state:

1. I am one of the Applicants of the above-identified patent application and a co-inventor of the subject matter described and claimed therein. I am familiar with the Examples that are shown and described in the specification of the above-identified patent application.
2. I am also one of the inventors on U.S. patent 6,269,970, which is used by the Examiner to reject the pending claims of the above-identified patent application.
3. I have reviewed the currently pending claims as listed in the Response to Restriction Requirement Without Traverse that was mailed on February 4, 2005, and the text of the Office Action that was mailed on April 8, 2005. I note that the Examiner has stated in the Office Action that: "It would have been obvious to one having ordinary skill in the art in view of Spruyt'056 and Huang'970 to modify the package of Julius so the container top is made from a transparent or translucent material to allow the user to view the wipes within the container top prior of removing the container top to dispensing the wipe."
4. The Examiner's attention is drawn to the Table on page 9 of the specification and specifically to Example 12. Example 12 was constructed using a red translucent container top having a Second Visibility Index comprising a total transmittance of 16, a haze of 92, and a clarity of 5. The top surface of the pop-up style dispensing partition was constructed from a yellow paper having a Third Visibility Index comprising a total transmittance of 30, a haze of 98, and a clarity of 0. A wet wipe having a First Visibility Index comprising a total transmittance of 55, a haze of 96, and a clarity of 19 was positioned within the dispensing orifice in the pop-up style dispensing partition. When the wet wipe was attempted to be viewed through the red translucent container top, it could not be readily seen as either being in-position or not-in-position. The combination of the translucent container top,

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the wet wipe, and the dispensing partition in Example 12 had a Visibility Indication of 0. As such, the wet wipe could not be readily observed through the red translucent container top even though the contrast between the wet wipe and the yellow paper was significant.

5. The Examiner's attention is drawn to the Table on page 9 of the specification and specifically to Example 16. Example 16 was constructed using a red translucent container top having a Second Visibility Index comprising a total transmittance of 16, a haze of 92, and a clarity of 5. This was the same material as used in Example 12 for the container top. The surface of the pop-up style dispensing partition was constructed from a green translucent film having a Third Visibility Index comprising a total transmittance of 54, a haze of 21, and a clarity of 91. A wet wipe having a First Visibility Index comprising a total transmittance of 55, a haze of 96, and a clarity of 19 was positioned within the dispensing orifice in the pop-up style dispensing partition. When the wet wipe was viewed through the red translucent container top, the wet wipe could be readily seen as either being in-position or not-in-position. The combination of the translucent container top, the wet wipe, and the dispensing partition in Example 16 had a Visibility Indication of 2. As such, the wet wipe could be readily observed through the translucent container top.
6. Simply using a translucent container top does not guarantee that the wet wipe beneath the translucent container top can be readily seen or observed unless the visibility indexes of the dispensing partition, the wet wipe, and the container top are all taken into consideration and appropriately adjusted to enable the wet wipe to be readily observed. This has been demonstrated by the differences between Examples 12 and 16.
7. I have reviewed the following patent references: Julius (5,542,567), Spruyt (3,784,056), and Huang (6,269,970). I find no teaching or suggestion in the references, either individually or taken as a whole, to select the appropriate Visibility Indexes for the wet wipe, the dispensing partition, and the container top to ensure that the wet wipe is observable beneath the container top when using a translucent container top.
8. I further declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true. Furthermore, I understand that willful and false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such false statements may jeopardize the validity of the application or any patent issuing thereon.



Yung Hsiang Huang
Signed: June 8, 2005